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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,536	01/17/2006	Bruno Bouan	05-730	9626

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EXAMINER
BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
3673	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/555,536

**Applicant(s)**

BOUAN, BRUNO

**Examiner**

Christopher Boswell

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-23, 26-31, 33 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,850,752 to Lax.

Lax discloses an anti-theft device for articles, comprising a rigid parallelepipedal case (21) with two large faces (23a and 23b) and four sides (25, 26a, 26b and 26c), a first one of the large faces forming an opening for insertion of an article with dimensions that are essentially the same as those of the case (face 23a is openable via the living hinge to allow insertion of the desired merchandise), the first one face comprising a first raised edge (edge contiguous to 32 when in the locked position) that is an extension of one of the sides, wherein the device comprises a trigger member (30) that can occupy a locked position, which is mobile in translation around an axis of a plane of the first face, the trigger member comprising at least one additional raised edge (32) which cooperates with the first raised edge to prevent the removal of the article contained inside the case (figures 1-4), and a locking pull rod (35) that is mobile around an axis that is transverse to movement of the trigger member and which can lock the trigger member in the locked position (figures 3 and 4 show the motion of the trigger and the pull rod), as in claim 18.

Lax also discloses the trigger member comprises at least one counterweight or a strip (62) consisting of at least one magnet-sensitive element (column 5, line 65-column 6, line 18), that is able to interact with a magnetic field, as in claim 19, wherein the at least one magnet-sensitive element is formed from iron (the magnet-sensitive element is made from steel, which is made from iron), as in claim 20, and the pull rod comprises at least one housing or orifice (47) that is able to house or receive the at least one counterweight when the trigger member is in the locked position, as in claim 21, as well as the at least one counterweight has a top section that is essentially T-shaped (via element 50) so as to interact with a part of the housing or the orifice by detenting (figures 7A-7C), as in claim 22, and where the device further comprises at least one spring (61), located under the at least one counterweight in order to raise the at least one counterweight inside the housing or the orifice of the pull rod (figures 7A-7C), as in claim 23.

Lax further discloses the trigger member comprises at least one mobile lateral wing (40), at least one part (41) of which is housed in a housing (via 126) of the case so that when the trigger member moves, the at least one part becomes trapped in the housing and defines the translation movement of the trigger member (figures 1-4), as in claim 26, wherein the trigger member comprises at least one spring (52) that can push the pull rod back when unlocking the trigger member, as in claim 33, as well as the case comprises a lid (23a), as in claim 37.

Lax additionally discloses the trigger member comprises a first orifice (the cutout on the peripheral end that allows the push rod to be flush with the case when locked; figures 1-4) for a pushing end of the pull rod to pass through, as in claim 27, wherein the trigger member comprises a second orifice (the channel defined within the trigger, figure 9) for another end of

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the pull rod to pass through when the trigger member is in the locked position, as in claim 28, as well as the second orifice has a shape that is essentially identical to a shape of the another end of the pull rod (figure 9), as in claim 31, and a second large face (33; as the trigger is an integral component of the case) of the case comprises an orifice or an opening (36), as in claim 29, wherein the first orifice has a shape that is essentially identical to a shape of the pushing end of the pull rod (figures 1-4), as in claim 30.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lax, as applied above, in view of U.S. Patent Number 6,926,164 to Broadhead et al.

Lax discloses the invention substantially as claimed. However, Lax does not disclose the material of the anti-theft device. Broadhead et al. teaches of an anti-theft device having a case (2) made from a transparent polycarbonate (column 3, lines 34-35) in the same field of endeavor for the purpose of utilizing the physical properties of polycarbonate as well as displaying the contents of the case. It would have been obvious to one with ordinary skill in the art at the time the invention was made to manufacture the case of Lax from a clear polycarbonate, as taught by Broadhead et al., in order to utilize the physical properties of polycarbonate as well as displaying the contents of the case.

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Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lax, as applied above, in view of U.S. Patent Number 5,954,114 to Weisburn et al.

Lax discloses the invention substantially as claimed. However, Lax does not disclose the case having wedging means. Weisburn et al. teaches of an anti-theft device having a case (2) and a locking means (3), where both the case and locking means have wedges (20, 21, 50 and 51); where the wedges of the locking means are removable as they are attached to the locking means in the same field of endeavor for the purpose of securely retaining an article within the case. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wedges, as taught by Wesiburn et al. into the anti-theft device of Lax in order to securely retaining an article within the case.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lax, as applied above, in view of U.S. Patent Number 6,113,720 to Fresnel.

Lax discloses all of the limitations of the above claims(s) except for the case including a mobile ring that can fit tightly around the article housed in the case. Fresnel, in Figure 2C, discloses a mobile ring 20 that fits tightly around an article i.e. CD, 10. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the case of Lax to include a mobile ring that fit tightly around an article housed in the case as taught by Fresnel in order to have provided a means for tamper proofing an article or article case (column 2, lines 1-10).

### *Response to Arguments*

Applicant's arguments filed October 1, 2007 have been fully considered but they are not persuasive. In regards to the argument that Lax does not disclose a trigger member mobile in translation around an axis of a plane of the first face, the examiner respectfully disagrees. As the plane is not defined as anything more than a plane of the first face that plane can exist at any location and extending in any direction. In Lax the plane is established parallel to the sidewall 26b and extending through the front face, where the trigger member is rotatable around this axis via pivot point 126.

Regarding the argument that the solution suggested by Lax is not satisfactory as it requires an operation that is not very compatible with quick handling by the operators, the examiner points to the fact that the ease of use of the trigger member is not claimed, nor would it be given any patentable weight, as it does not structurally limit the anti-theft device in any way.

Furthermore, the allowable subject matter has been withdrawn in view of a newly found reference.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

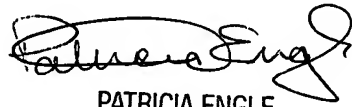
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell  
Examiner  
Art Unit 3673

CJB   
December 13, 2007

  
PATRICIA ENGLE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600